

REMARKS

The allowance of claims 1 through 27 is gratefully acknowledged.

The abstract has been amended as requested by the Examiner.

Claims 34 through 37 were objected to. Claim 34 has been rewritten in independent format incorporating the limitations of original claim 28 from which it depended. These claims should therefore be allowable.

Claims 28 through 33 were rejected. Claim 28 was rejected as anticipated by Wiggins '185. However, claim 28 has now been amended to include the limitations of original claim 29 which has been cancelled.

Claims 29 through 33 were rejected as obvious over Wiggins in view of Dobbs *et al.* This rejection is respectfully traversed. The Examiner has taken the position that the technique of Dobbs *et al.* could be incorporated into Wiggins because it would have been obvious to utilize the color space conversion of Dobbs *et al.* in the Wiggins device. There is no support in the art for this assertion. Wiggins detects the edges of a document lying on a platen to be scanned by providing a platen cover which overlies the document during scanning with corrugated material which, when illuminated with an intensely bright light that is used to scan the document, forms an image which delineates the edge boundaries of the original document. Dobbs, on the other hand, is a system for detecting particular region of a photograph which has a particular color and then actually changing the color of this region. Dobbs' primary application is the removal of the "red eye" effect from photographs.

To begin with, these two systems are so different that one of ordinary skill in the art would never look to Dobbs as a way to enhance the functionality of Wiggins. In Wiggins, the corrugated backing of the document cover is the primary vehicle for creating contrast in the scanned image near the document edge. This is completely different from the Dobbs' technique of recoloring a portion of an image. Dobbs fixes on a portion of the image that is to be recolored. Then it examines the color content of each sample point within that region. After the color has been sampled, the RGB values of the sample are converted to their chrominance and luminance components using a transformation process. These steps are so different from

anything used in Wiggins that it would take a major redesign of Wiggins, proceeding in a completely different direction, to incorporate this technique. It is more plausible that the Examiner has selectively incorporated the Dobbs' disclosure into the Wiggins device using applicant's claims as a guide for doing so. This is an impermissible type of analysis under §103. There would have to be some evidence in the prior art that such an alteration of Wiggins would be desirable. There is certainly no such suggestion in either Wiggins or Dobbs. The rejection to amended claims 28 and 30 through 33 should therefore be withdrawn.

The claims as amended are believed to define patentable subject matter and applicant respectfully requests that the case be passed to issue.

Respectfully submitted,

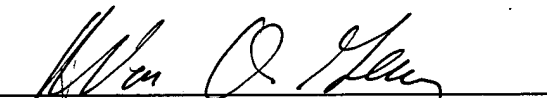


William O. Geny, Reg. No. 27,444
Tel No.: (503) 227-5631

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 30, 2004



William O. Geny